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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 JAMES W. ROLLINS,

12 Plaintiff,

13 v.

14 GARY WAKEMAN, et al.,

15 Defendants.

16 CASE NO. 3:17-cv-05943-RBL-JRC

17 ORDER VACATING REPORT
18 AND RECOMMENDATION

19 This 42 U.S.C. § 1983 civil rights matter has been referred to the undersigned Magistrate
20 Judge pursuant to 28 U.S.C. §§ 636 (b)(1)(A) and (B) and Local Magistrate Judge Rules MJR 1,
21 MJR 3, and MJR 4.

22 Plaintiff initially filed this action in November of 2017. Dkt. 1. However, he did not pay
23 the filing fee or submit an application to proceed *in forma pauperis*, so the Clerk sent him a letter
24 informing him as such. Dkt. 2. The Clerk sent a second letter in March of 2018. Dkt. 3. When
plaintiff did not respond, the Court entered a report and recommendation recommending that the
case be dismissed for failure to prosecute. Dkt. 4. However, on May 23, 2018, plaintiff's mother

1 came to the Clerk's office and provided proof that plaintiff had paid the filing fee in December
2 of 2017. Dkt. It appears that, even though plaintiff had paid the fee, there was no docket entry
3 reflecting payment and so the Court was unaware that the fee had been paid when it entered its
4 report and recommendation.

5 Therefore, the Court vacates its report and recommendation (Dkt. 4). The Court will
6 screen plaintiff's complaint (Dkt. 5) and determine whether it is appropriate for service, or
7 whether plaintiff will be provided leave to file an amended complaint.

8 The Clerk is directed to re-refer the case to the undersigned Magistrate Judge for further
9 proceedings.

10 Dated this 29th day of May, 2018.

11 
12 J. Richard Creatura
13 United States Magistrate Judge